| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/478,775 | 01/06/2000 | Christopher N. Elsbree | ICO-004 (4594/11) | 2147 |

21323      7590      04/10/2003

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| EXAMINER |
|---|
| JOSEPH, THOMAS J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2174 | |

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>26 December 2002</u> .

2a) ☐ This action is **FINAL**.     2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-3,5,6,8,9,11,12 and 14-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3,5,6,8,9,11,12 and 14-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

| | |
| :--- | :--- |
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) ☐ Other: . |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.      Claims 1 – 3, 5, 6, 8, 9, 11, 12, and 14 - 16 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Daswani et al. (US 6,447,565) and Hetherington et al. (US

6,141,005).

**Claim 1:**

Daswani teaches executing an application on a computer system linked to a

portable terminal (fig. 1, #33, #45, #47).  Daswani teaches a server computer system

containing an application.  Daswani discloses a computer with a first operating system

(fig. 1, #33).  All computers contain an operating system.  Daswani describes a less

capable hand held terminal and the more capable hardwired terminal (fig. 1, #33, #45,

#47).  The larger memory in the larger computer contains an operating system with

more capabilities.  The smaller computer or terminal is a portable computing device in

communication with the larger computer.  Daswani teaches generating on the computer

a human-machine interface that is operable on the said portable computing device (fig.

2, #25).  Daswani teaches an application communicating between the computer and the

said portable computing device (fig. 1, #33, #45, #47).  Daswsani demonstrates

communication between a desktop computer and a portable computing device.  Such

operations require appropriate application software. Daswsani teaches use of browser

software (col. 4, lines 38 – 42). Such software provides a method for generating on the

computer a software object that provides a graphical human-machine interface when

operating on the remote computing device. Such a remote computing device can

include any cellular, PDA, or notebook computer (col. 6, lines 14 - 20). Further,

Daswsani teaches transferring the software object from the larger computer to the

handheld portable computing device (col. 6, lines 15 – 27). This downloading requires

some type of transferring of a software object from the host system to the handheld

portable client terminal. Daswsani demonstrates a client accessing software objects

(col. 6, lines 15 – 27). Daswsani teaches coupling a portable computing device with a

host computer (col. 6,lines 14 – 20). Browser technology often uses icons although

Daswsani does not emphasize icons. This alludes to the need for an interface that uses

icons for accepting human input.

Daswsani fails to teach a true graphical user interface but does teach an

interface for accepting human input. Hetherington teaches a GUI for accepting human

input that can be used with client computing devices (fig. 3 – 4b). The user interface

taught by Hetherington uses a variety of computer graphics that provide additional icons

which give the user greater ability to access more options in a timely manner (fig. 4a –

4b). Scroll bars, arrows, maximize button, etc. are all examples of these icons. It would

have been obvious to one with ordinary skill in the art to combine the graphical interface

technology taught by Hetherington with the portable computing system disclosed by

Daswsani. Doing so gives the user greater flexibility in manipulating screen data from

any location using a device that can be carried with and operated with one hand using a minimum number of physical buttons.

**Claim 2:**

The user interface (UI) taught by Hetherington uses a variety of computer graphics (fig. 4a – 4b). This said UI provides additional icons that give the user greater ability to access more options in a timely manner (fig. 4a – 4b). Hetherington teaches generating on the computer a human-machine interface that is operable on the portable computing device (fig. 3 – 4b). Daswsani teaches linking handheld terminals with a host computing device (fig. 1, #41). Claim 1 teaches the rationale for combining Daswsani and Hetherington providing a step for stimulating on the computer the operation of a graphical human-machine interface on a handheld or portable computing device.

**Claim 3:**

Claim 1 teaches the rationale for operating the graphical human-machine interface on a portable computing device. Daswsani teaches transmitting between the larger computer and portable computing device information related to the operation of a human machine interface (col. 6, lines 15 - 27). Daswsani teaches linking handheld terminals with a host computing device (fig. 1, #41). The rationale for combining Daswsani and Hetherington to create a graphical human-machine interface is taught by rejected claim 1.

**Claim 5:**

Hetherington teaches operating notebook computers with GUI based operating systems linked to a server (col. 5, lines 40 – 55). The windows in these operating

systems are the GUIs. These notebook computers comprise at least a generated

graphical human-machine interface operable on the portable computing device, the

graphical human machine interface comprising a processor-independent graphical

human-machine interface object, and a run-time engine specific to a selected processor

present on the portable computing device.

**Claim 6:**

Hetherington teaches a notebook computer that uses a Microsoft Windows

operating system (col. 5, lines 40 – 55). Hetherington makes reference to using a

version of windows consisting of Windows 95 or later. This operating system can

include Windows CE.

**Claim 8:**

Daswani and Hetherington teach the rationale of claim 8 in rejected claims 1 and

2.

**Claim 9:**

Daswani and Hetherington teach the rationale of claim 9 in rejected claims 1 and

2.

**Claim 11:**

Daswani and Hetherington teach the rationale of claim 11 in rejected claim 5.

**Claim 12:**

Daswani and Hetherington teach the rationale of claim 12 in rejected claim 6.

**Claim 14:**

Daswani and Hetherington teach the rationale of claim 14 in rejected claim 1 and

2.

**Claim 15:**

Hetherington teaches operating the graphical human-machine interface on a

portable computing device for displaying both graphical information and alphanumeric

information (col. 5, lines 40 – 55). Hetherington teaches use of notebook computers

that operate Microsoft Windows. Microsoft Windows is capable of displaying both

graphical information and alphanumeric information. Hetherington provides examples

of windows that can be displayed on a notebook computer (fig. 4a – 4b). Alphanumeric

information includes the day numbers and month name while the graphical information

includes icons such as arrows and maximization buttons.

**Claim 16:**

Daswani and Hetherington teach the rationale of claim 16 in rejected claim 6.

*Response to Arguments*

3.    Applicant's amendment and arguments filed December 26.

The Applicant responds to the 35 USC 103 rejections of claims 1 – 17 by

canceling claims 4, 7, 10, 13, and 17 and amending claims 1, 8, and 14.

The Applicant responds to the rejection of independent claims 1, 8, and 14. The

Applicant fails to explain or define within the claim language the meaning of a software

object. The Examiner considers the arguments by the Applicant filed on December 26,

2002. However, they have been determined to be moot based on new grounds of

rejection.

Due to at least the above reasons, the rejections of claims 1 – 3, 5, 6, 8, 9, 11,

12, and 14 - 16 remain standing.

### Conclusion

4.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas J Joseph whose telephone number is 703-305-

3917.  The examiner can normally be reached Mondays through Fridays from 7:30 am -

4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on 703-308-0640.  The fax phone numbers

for the organization where this application or proceeding is assigned are 703-746-7239

for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

tjj
March 24, 2003

*Kristine Kincaid*
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